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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/453,518	12/03/1999	SATOSHI HADA	PM-265165	2751

7590 12/18/2001

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EXAMINER

OLSEN, KAJ K

ART UNIT PAPER NUMBER

1744

DATE MAILED: 12/18/2001

10

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-10

Advisory Action

Application No.

09/453,518

Applicant(s)

HASEDA ET AL.

Examiner

Kaj Olsen

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 November 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: _____
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 3 and 5-12.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. See 37 CFR 1.193(a)(2) which provides for the inclusion of the proposed rejection(s) detailed below in the Examiner's Answer if applicant elects to file an appeal to the Board of Patent Appeals and Interferences in this proceeding. To be complete, such rejection(s) must be addressed in any brief on appeal.

Upon appeal and entry of the amendment:

Claims 3 and 5-12 would be rejected for the reasons set forth in the rejection under 35 U.S.C. 103 based on EP ('351) in view of EP ('423), and one of Taylor, Bryan, or Kida of the final Office Action mailed 7-18-2001.

2. Applicant's arguments filed 11-19-2001 have been fully considered but they are not persuasive. Applicant urges that the references Taylor and Bryan are not analogous art because they are drawn to liquid electrochemical sensing cells and not to a gas concentration measuring apparatus as set forth in the claims. However, Taylor and Bryan are being utilized solely for teaching concerning electronic circuitry and both indicate that the substitution of microcomputer controlled circuitry for analog circuitry is known and advantageous (see Bryan col. 3, lines 1-5; and Taylor, col. 12, lines 54-59). The fact that these references are ultimately drawn to different types of electrochemical sensors (i.e. the actual differing combination of electrodes, electrolyte, etc.) does not negate the obviousness of the teachings of Taylor and Bryan because the examiner is not utilizing the teachings of Taylor and Bryan to modify the sensors of EP ('351) and EP ('423) themselves. Rather the examiner is of the opinion that one of ordinary skill in the art would recognize that the utility of microcomputers for electrical control of electrochemical

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sensors would have application beyond the narrow bounds of the disclosed subject matter of these references.

3. Applicant urges with respect to Kida that Kida merely suggests that the voltage applied to an electrochemical sensor may be controlled by a microcomputer. Because of this, the applicant urges that the proper combination of EP ('351), EP ('423), and Kida would fail to read on the claim language. This is not persuasive. EP ('351) and EP ('423) rendered obvious the various specified aspects of the control circuitry (see previous two office actions), but didn't explicitly suggest the use of microcomputer control. Kida suggests that microcomputer control of the sensor would have been obvious to one possessing ordinary skill in the art at the time the invention was being made (col. 7, lines 55-59). Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was being made to utilize the teaching of Kida for *each aspect* of the circuitry rendered obvious by EP ('351) in view of EP ('423) for the reasons set forth in the previous office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaj Olsen whose telephone number is (703) 305-0506. The examiner can normally be reached on Monday through Thursday from 8:00 AM-5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Robert Warden, can be reached at (703) 308-2920.

When filing a fax in Group 1700, please indicate in the header "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communications

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with the PTO that are not for entry into the file of this application. This will expedite processing of your papers. The fax number for this Group is (703) 305-7719.

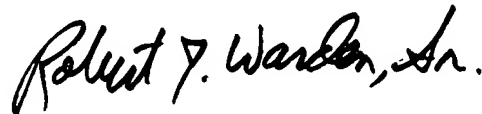
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, whose telephone number is (703) 308-0661.

Kaj K. Olsen, Ph.D.



Patent Examiner

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**ROBERT J. WARDEN, SR.
SUPERVISORY PATENT EXAMINER
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